

COMBINED DECLARATION AND
POWER OF ATTORNEY
IN ORIGINAL APPLICATION

Attorney Docket No.

P01.12-0039

SPECIFICATION AND INVENTORSHIP IDENTIFICATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed, and for which a patent is sought, on the invention entitled FOOD PRODUCTS WITH BIOCONTROL PRESERVATION the specification of which,

(check one) ☐ is attached hereto.
☒ was filed on March 26, 1999 as Appln. Serial No. 09/277,672.
☐ and was amended on .
☐ was described and claimed in PCT International Application No. filed on and as amended under PCT Article 19 on .

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

PRIORITY CLAIM (35 USC § 119)

I claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed
_____	_____	_____	Yes____ No____
_____	_____	_____	Yes____ No____

PRIORITY CLAIM (35 USC § 120)

I claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code § 112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

BEST AVAILABLE COPY

Appln. Ser. No.	U.S. Serial No. (if any under PCT)	Filing Date	Status
_____	_____	_____	_____
_____	_____	_____	_____

DECLARATION

I declare that all statements made herein that are of my own knowledge are true and that all statements that are made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY


I appoint the following attorneys and agents to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation: Laird F. Miller, Reg. No. 29,236; Aleya Rahman, Reg. No. 36,251; Joseph R. Kelly, Reg. No. 34,847; Nickolas E. Westman, Reg. No. 20,147; Steven M. Koehler, Reg. No. 36,188; David D. Brush, Reg. No. 34,557; John D. Veldhuis-Kroeze, Reg. No. 38,354; Deirdre Megley Kvale, Reg. No. 35,612; Theodore M. Magee, Reg. No. 39,758; Peter S. Dardi, Reg. No. 39,650; Christopher R. Christenson, Reg. No. 42,413; and John A. Wiberg, Reg. No. P-44,401.

I ratify all prior actions taken by Westman, Champlin & Kelly, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.

DESIGNATION OF CORRESPONDENCE ADDRESS

Please address all correspondence and telephone calls to Peter S. Dardi, Ph.D in care of:

WESTMAN, CHAMPLIN & KELLY, P.A.
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222
Fax: (612) 334-3312

Inventor: 
(Signature)


Date: JUNE 11, 1999

Inventor: David J. Domingues
(Printed Name)

Residence: Plymouth, Minnesota Citizenship: U.S.A.

P.O. Address: 11520 39th Avenue North, Plymouth, Minnesota 55441

BEST AVAILABLE COPY

Inventor: 
(Signature)

Date: June 2nd 1999

Inventor: John H. Hanlin
(Printed Name)

Residence: Maple Grove, Minnesota

Citizenship: U.S.A.

P.O. Address: 6331 Ranchview Lane North, Maple Grove, Minnesota 55311

Revocation of Power of Attorney and Appointment of New Power of Attorney	Application Number	TO BE ASSIGNED
	Filing Date	HEREWITH
	First Named Inventor	DOMINGUES ET AL
	Title	FOOD PRODUCTS WITH BIOCONTROL PRESERVATION AND METHOD
	Art Unit	TO BE ASSIGNED
	Examiner Name	UNKNOWN
	Attorney Docket Number	PIL0009/US/2

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☐ I hereby appoint the practitioners at Customer Number:

☐ Please change the correspondence address for the above-identified application to:

☐ The address associated with Customer Number:

OR

☒ I hereby appoint the following practitioners:

Annette M. Frawley	50,280	John A. O'Toole	28,336
Douglas J. Taylor	32,945	Karrie G. Weaver	43,245
Paul L. Weaver	48,640	Mark W. Binder	32,642
Dale A. Bjorkman	33,084	Michael A. Hakamaki	40,011
Amy J. Hoffman	35,897	Kevin J. Hubbard	50,717
Kimberly S. Jordahl	40,998	David B. Kagan	33,406
Paul John Parins	54,358	Daniel C. Schulte	40,160

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

SIGNATURE of Applicant or Assignee of Record

Name	Janice Marturano		
Signature	<i>Janice Marturano</i>		
Date	February 2, 2004	Telephone	(763) 764-4950

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representatives are required. Submit Multiple forms if more than one signature is required.

☒ Total of 1 form(s) are submitted.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: The Pillsbury Company

Application No./Patent No.: To be assigned Filed/Issue Date: Herewith

Entitled: Food Products with Biocontrol Preservation and Method

The Pillsbury Company, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Dominques et. al. To: The Pillsbury Company

The document was recorded in the United States Patent and Trademark Office at
Reel 9945, Frame 0628, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

February 2, 2004

(763) 764-4950

Telephone number

Janice Marturano

Typed or printed name

Janice Marturano

Signature

Vice President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

BEST AVAILABLE COPY



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JULY 16, 1999

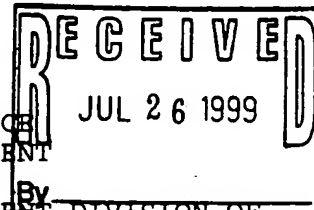
PTAS

WESTMAN, CHAMPLIN & KELLY, P.A.
PETER S. DARDI, PH.D.
INTERNATIONAL CENTRE, SUTIE 1600
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402



101038642A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT



THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/11/1999

REEL/FRAME: 9945/0628
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

DOMINQUES, DAVID J.

DOC DATE: 04/01/1999

ASSIGNOR:

HANLIN, JOHN H.

DOC DATE: 04/26/1999

ASSIGNEE:

PILLSBURY COMPANY
200 SOUTH SIXTH STREET
PILLSBURY CENTER
MINNEAPOLIS, MINNESOTA 55402-1464

SERIAL NUMBER: 09277627

PATENT NUMBER:

FILING DATE: 03/26/1999

ISSUE DATE:

BEST AVAILABLE COPY

9945/0628 PAGE 2

MARCUS KIRK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

Attorney Docket No.

P01.12-0039

WHEREAS, I, David J. Domingues, of Plymouth, Minnesota, and John H. Hanlin, of Maple Grove, Minnesota, have invented certain new and useful improvements as described in an application entitled FOOD PRODUCTS WITH BIOCONTROL PRESERVATION for Letters Patent of the United States, the application having been executed on even date herewith, and/or being identifiable in the United States Patent and Trademark Office by Serial No. 09/277,627, filed March 26, 1999; and

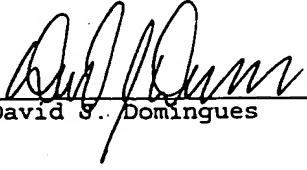
WHEREAS, The Pillsbury Company, a corporation organized and existing under the laws of the State of Delaware, and having offices at 200 South Sixth Street, Minneapolis, MN 55402, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the application, and any and all Letters Patent or similar legal protection, foreign or domestic, to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title and interest in and to the invention, the above-identified application, corresponding domestic and foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention; and I authorize the Commissioner of Patents and Trademarks of the United States or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, to insert in this instrument the filing date and serial number of the application when ascertained.

I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.

I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.

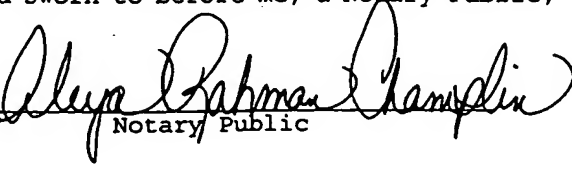

David S. Domingues

STATE OF MINNESOTA)

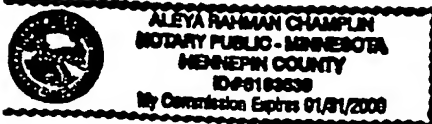
) ss.

COUNTY OF HENNEPIN)

Subscribed and sworn to before me, a Notary Public, this 1st day of April, 1999.


Notary Public

(SEAL)



John H. Hanlin

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Subscribed and sworn to before me, a Notary Public, this ____ day of
_____, 19____.

Notary Public

(SEAL)

BEST AVAILABLE COPY

ASSIGNMENT

Attorney Docket No.

P01.12-0039

WHEREAS, I, David J. Domingues, of Plymouth, Minnesota, and John H. Hanlin, of Maple Grove, Minnesota, have invented certain new and useful improvements as described in an application entitled FOOD PRODUCTS WITH BIOCONTROL PRESERVATION for Letters Patent of the United States, the application having been executed on even date herewith, and/or being identifiable in the United States Patent and Trademark Office by Serial No. 09/277,627, filed March 26, 1999; and

WHEREAS, The Pillsbury Company, a corporation organized and existing under the laws of the State of Delaware, and having offices at 200 South Sixth Street, Minneapolis, MN 55402, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the application, and any and all Letters Patent or similar legal protection, foreign or domestic, to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title and interest in and to the invention, the above-identified application, corresponding domestic and foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention; and I authorize the Commissioner of Patents and Trademarks of the United States or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, to insert in this instrument the filing date and serial number of the application when ascertained.

I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.

I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.

David J. Domingues

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Subscribed and sworn to before me, a Notary Public, this ____ day of _____, 19__.

Notary Public

(SEAL)

John H. Hanlin
John H. Hanlin

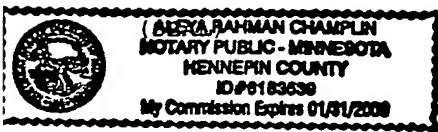
STATE OF MINNESOTA

COUNTY OF HENNEPIN

)
) ss.
)

April, 1999. Subscribed and sworn to before me, a Notary Public, this 26th day of

Alysa Rahman Champlin
Notary Public



BEST AVAILABLE COPY